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April 7, 2017

VIA ECF AND ELECTRONIC MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408
Bernstein.chambers@nysb.uscourts.gov

Re: In re: Bernard L. Madoff—Hearing on Trader Subpoena Issue

Dear Judge Bernstein:

We write in response to Ms. Chaitman's letter from earlier today. Unfortunately, although we understand that it is inconvenient for the Court, we regretfully believe that we need to proceed with the hearing that the Court has scheduled for Monday, April 10, at 11:00 a.m. Specifically, we have asked Ms. Chaitman repeatedly to instruct the 10 subpoenaed parties that the subpoenas are being held in abeyance pending a hearing on the motions to quash, but she has refused to do so. *See* Exhibits A and B.

Furthermore, notwithstanding our repeated requests to Ms. Chaitman to copy us on correspondence with the subpoenaed parties and to provide us with the return date of any subpoena that has been served, she has refused to provide this information. *See id.* The one subpoena that we have seen, which came to us directly from counsel to the subpoenaed party, is returnable on Monday, April 10. *See* Exhibit C. Accordingly, we are concerned that any additional delay could potentially be prejudicial to the Trustee.

Respectfully submitted,

/s/ Edward J. Jacobs
Edward J. Jacobs

cc: Helen Davis Chaitman (via email)
Gregory Dexter (via email)

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